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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 UNITED STATES OF AMERICA,) Case No.: 2:12-cr-00237-APG-CWH
9 Plaintiff,)
10 vs.) **ORDER REGARDING
11 JOSEPH ANDRADE, *et al.*,) ADMISSIBILITY OF CERTAIN
12 Defendant.) EVIDENCE**
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14 At the September 5, 2013 hearing, Defendants moved to exclude from evidence (1)
15 portions of a recording (and transcript thereof) of a May 20, 2012 in-person interview of
16 defendant Joseph Andrade by Detective Ed Melgarejo; (2) portions of a recording (and transcript
17 thereof) of a July 3, 2013 phone call made by defendant Joseph Andrade from the jail; and (3)
18 text messages downloaded from a cell phone allegedly owned by defendant Julian Gaytan.
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20 **IT IS HEREBY ORDERED** that page 13, lines 49-60 of the May 20, 2012 recording
21 and transcript will be redacted and not presented to the jury.
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23 **IT IS FURTHER ORDERED** that the following portions of the July 3 recording and
24 transcript will be redacted and not presented to the jury (references are to the Bates number and
line number of the written transcript): page 304, lines 1-8 and 14-16; and page 309, lines 19-20.
25 All other objections are overruled.
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1 **IT IS FURTHER ORDERED** that the defendants' objections to text messages 866,
2 1374, 1375, and 1376 are overruled. Defendants may propose appropriate jury instructions
3 regarding these texts. The Government still must lay proper foundation and authentication
4 before the evidence will be admitted.

5 DATED this 6th day of September, 2013.

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7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE

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